

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**MARGARET VIOLET JENKINS WILLIAMS,**

**Petitioner,**

**v.**

**Civil Action No. 3:07-CV-152  
(Judge Bailey)**

**UNITED STATES OF AMERICA,**

**Respondent.**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before the Court for consideration of two Reports and Recommendations of United States Magistrate Judge John S. Kaull [Doc. No. 9 and 10] dated December 5, 2007, and December 11, 2007, respectively, to which neither party filed objections. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. ***See Webb v. Califano***, 468 F. Supp. 825 (E.D. Cal. 1979).

Accordingly, because no objections have been filed, this report and recommendation ("R & R") will be reviewed for clear error. Upon review of the two R & R's and the record, it is the opinion of this Court that the Magistrate Judge's Reports and Recommendations [Doc. No. 9 and 10] should be, and is, hereby **ORDERED ADOPTED**.

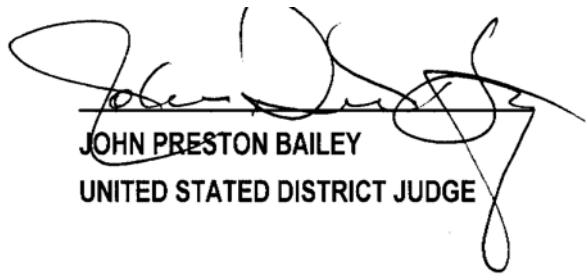
For reasons more fully stated in the Reports and Recommendations of United States

Magistrate Judge John S. Kaul [Doc. No. 9 and 10], this Court **ORDERS** that plaintiff's Application for Leave to Proceed Without the Prepayment of Fees [Doc. No. 6] is **DENIED**, and the petitioner's Emergency Petition for a Writ of Mandamus [Doc. No. 1] is **DENIED** and this case is hereby **DISMISSED with prejudice**.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to all counsel of record.

**DATED:** January 22, 2008.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE